

## DJF:RDE

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**LORRAINE GREEN,**

**Plaintiff,**

**v.**

**Case No:**

**MING PAN a/k/a PAN MING, THE  
UNITED STATES OF AMERICA,  
t/d/b/a LEBANON VA MEDICAL  
CENTER, DEPARTMENT OF  
VETERANS AFFAIRS, and GAYLE  
B. RYAN,**

## Defendants.

## NOTICE OF REMOVAL OF CIVIL ACTION

David J. Freed, United States Attorney for the Middle District of Pennsylvania, by Richard D. Euliss, Assistant United States Attorney, on behalf of the United States of America and other erroneously-named defendants, above, hereby gives notice of the removal of the above-captioned matter from the Court of Common Pleas for Lebanon County, Pennsylvania, to this Court, pursuant to 28 U.S.C. §§ 1346(b)(1), 1441(a), 1442, and 1446, and states as follows:

1. On or about September 21, 2018, Plaintiff Lorraine Green filed a complaint in the Court of Common Pleas for Lebanon County, Pennsylvania, No. 2018-00908 (the “State Action”) against the United States and others. See Exhibit

A.

2. The State Action invokes the Federal Tort Claims Act and seeks monetary recovery for purportedly negligent medical care to Plaintiff.

3. A civil action filed in state court may be removed where the district courts of the United States have original jurisdiction. *See* 28 U.S.C. § 1441(a). The district courts of the United States have original jurisdiction over all claims, such as this one, brought under the Federal Tort Claims Act. *See* U.S.C. § 1346(b)(1).

4. A civil action against the United States, or against any agency or officer of the United States, may be removed from state court to the district court of the United States for the district and division embracing the place wherein such action is pending. *See* 28 U.S.C. § 1442(a)(1).

5. The United States accordingly removes the State Action to the United States District Court for the Middle District of Pennsylvania pursuant to Sections 1441(a) and 1442(a)(1).

6. Pursuant to 28 U.S.C. § 1446, copies of all process, pleadings and orders served in the State Action are attached hereto as Exhibit A.

7. Notice of Removal of this action will be mailed to the Prothonotary of the Court of Common Pleas of Lebanon County this day, October 10, 2018.

WHEREFORE, the United States respectfully gives notice that the above-captioned matter is removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

DAVID J. FREED  
United States Attorney

s/ Richard D. Euliss  
RICHARD D. EULISS  
Assistant U.S. Attorney  
228 Walnut Street, 2<sup>nd</sup> Floor  
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Harrisburg, PA 17108-1754  
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Richard.D.Euliss@usdoj.gov

Date: October 10, 2018

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**Case No:**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on this 10<sup>th</sup> day of October 2018, she served a copy of the foregoing

**NOTICE OF REMOVAL OF CIVIL ACTION**

by placing a copy in a postpaid envelope addressed to the persons hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelopes and contents in the United States Mail at Harrisburg, Pennsylvania:

Rolf Louis Patberg  
Patberg Law Firm  
1034 Peralta Street  
Pittsburg, PA 15212

Cynthia O'Donnell  
Patberg Law Firm  
1034 Peralta Street  
Pittsburg, PA 15212

/s/ Shelby Reed

SHELBY REED

Legal Assistant